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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,538	06/26/2003	Anders Magnusson	12389-004001 / PD53566US0	5773
26191 7590 08/30/2007 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HAND, MELANIE JO	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,538	Applicant(s) MAGNUSSON, ANDERS	
	Examiner Melanie J. Hand	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-10, 66-68 and 72-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 66-68 and 72-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 11, 2007 has been entered.

Response to Arguments

Applicant's arguments, see Remarks, filed March 2, 2007 with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 102, specifically remarks regarding the newly claimed direct attachment of the proximal end of the claimed elongate member to the claimed ring member have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 8-10, 66-68 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennen et al (WO 93/04724) in view of Hata et al (U.S. Patent Application Publication No. 2001/0044625).

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With respect to **Claim 1**: Brennen teaches a steerable stylet assembly comprising a tubular body 10 having a distal region 22, ring member 32 that encircles at least a portion of the circumference of tubular body 10 and is slidable along said tubular body, and elongate pull wire 12 having a proximal end in proximal section 14 and a distal end in distal section 16. The distal end of pull wire 12 is fixedly attached (i.e. coupled) to said tubular body at said distal end 22. The proximal end of pull wire 12 is attached to the ring member 32 via its interconnection with lever 34 and clip 36, said lever 34 having a free end attached to slidable member 32.

Brennen does not teach that the proximal end of said elongate member is directly attached to said ring member. Hata teaches a steerable catheter with a steering mechanism. Such mechanism comprises a string or wire directly attached to a rotatable ring member for manual manipulation by a caregiver. Hata teaches that such a steering mechanism for catheters is well-known in the art ('625, ¶0022), therefore it would be obvious to one of ordinary skill in the art to modify the device of Brennen such that said elongate member is directly attached to said ring member 32 rather than attached thereto via a lever 34 and clip 36 with a reasonable expectation of success, as such attachment would still allow manipulation of the catheter's position by a caregiver.

With respect to **Claim 2**: Tubular member 10 taught by Brennen includes an inner lumen, an outer surface and first and second apertures 18 and 20 (pair of openings) passing between the outer surface and the inner lumen. Pull wire 12 (elongate member) is attached at the distal end 22 of tubular body 10 and extends loosely outside said lumen for a predetermined distance, therefore also extending through said apertures. Thus the coupling of said second elongate member to the distal region of said tubular body comprises the second elongate member passing through the pair of openings.

With respect to **Claim 3**: As can be seen in Fig. 1 taught by Brennen, the pull wire passes between said ring member 32 and said pair of openings 18,20.

With respect to **Claim 8**: Brennen teaches clip 36 (connector piece) attached to slidable member 32 which is itself attached to a proximal region of tubular body 10.

With respect to **Claim 9**: The distal region of tubular body 10 taught by Brennen is flattened between the openings 18,20 to provide a predetermined bias to curve away from wire 12 as the wire is drawn taut between said openings. This section of the distal region of body 10 between said openings has a first stiffness and the remainder of the body 10, i.e. the proximal region, has a second stiffness, wherein the first stiffness is less than the second stiffness.

With respect to **Claim 10**: The section of tubular body 10 taught by Brennen between said openings 18,20 defines a first stiffness from the distal end 22 to opening 18 immediately adjacent the proximal region having a second stiffness.

With respect to **Claim 66**: Brennen teaches a steerable stylet assembly comprising a tubular body 10 (first elongate member) having a distal region 22, ring member 32 (protruding member) that extends outward from an outer surface of body 10, encircles at least a portion of the circumference of said body, and is slidably coupled to said tubular body, and elongate pull wire 12 (second elongate member) having a proximal end in proximal section 14 and a distal end in distal section 16. The distal end of pull wire 12 is fixedly attached (i.e. coupled) to said tubular body at its distal end 22. The proximal end of pull wire 12 is attached to the ring member 32 via

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its interconnection with lever 34 and clip 36, said lever 34 having a free end attached to slidable member 32.

With respect to **Claim 67**: Tubular member 10 (first elongate member) taught by Brennen includes an inner lumen, an outer surface and first and second apertures 18 and 20 (pair of openings) passing between the outer surface and the inner lumen. Pull wire 12 (second elongate member) is attached at the distal end 22 of tubular body 10 and extends loosely outside said lumen for a predetermined distance, therefore also passing through said apertures. Thus the coupling of said second elongate member to the distal region of the first elongate member comprises the second elongate member passing through the pair of openings.

With respect to **Claim 68**: As can be seen in Fig. 1 of Brennen, the pull wire 12 (second elongate member) passes between said protruding member 32 and said pair of openings 18,20 along the outer surface of tubular body 10 (first elongate member).

With respect to **Claim 73**: Brennen teaches clip 36 (connector piece) attached to slidable member 32 which is itself attached to a proximal region of tubular body 10 (first elongate member).

With respect to **Claim 74**: The distal region of tubular body 10 (first elongate member) taught by Brennen is flattened between the openings 18,20 to provide a predetermined bias to curve away from wire 12 as the wire is drawn taut between said openings. This section of the distal region of body 10 between said openings has a first stiffness and the remainder of the body 10, i.e. the

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proximal region, has a second stiffness, wherein the first stiffness is less than the second stiffness.

With respect to **Claim 75**: The section of tubular body 10 (first elongate member) taught by Brennen and lying between said openings 18,20 defines a first stiffness from the distal end 22 to opening 18 immediately adjacent the proximal region having a second stiffness.

Claims 7 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennen et al (WO 93/04724) in view of Hata et al ('625) as applied to claims 1-3, 8-10, 66-68 and 73-75 above, and further in view of Maloney et al (U.S. Patent No. 4,906,230).

With respect to **Claims 7,72**: Brennen teaches a stainless steel pull wire and therefore does not teach a single length of thread. Hata also does not teach a single length of thread as an elongate member. Maloney teaches a steerable catheter employing a mechanism comprising a string-like element, e.g. chord, suture or cable or the like. ('230, Col. 2, lines 28-32) The wires taught by Brennen and Hata are considered herein to be a string-like element as taught by Maloney, and Maloney teaches that a suture (thread) is equivalent to a chord or cable (e.g. a wire). Therefore it would be obvious to one of ordinary skill in the art to modify the device of Brennen and Hata so as to substitute a thread as taught by Maloney with a reasonable expectation of success, as a thread will also provide the desired steering function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

August 27, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

